

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 7072

BILL NUMBER: HB 1248

NOTE PREPARED: Jan 3, 2005

BILL AMENDED:

SUBJECT: Jail Costs for Methamphetamine Offenses.

FIRST AUTHOR: Rep. Grubb

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: The bill provides that a person convicted of a methamphetamine offense shall reimburse the county for the costs of incarceration in the county jail. It makes conforming changes.

Effective Date: July 1, 2005.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: The bill would provide a cost saving for county jails that house people convicted of methamphetamine offenses. The magnitude of the savings would depend on the actions of the courts, county fiscal bodies, and the offenders' ability to pay.

Based on a one-day snapshot of the state Department of Correction prison population, offenders convicted of one of the listed offenses spend on average 184.5 days in county jail. [Note: The average jail time for only methamphetamine offenses may vary because some of the offenses referred to in the bill include drugs other than methamphetamines and the data do not separate the drug involved.] Current law indicates that the offender must pay the lesser of a per diem specified by the county fiscal body or \$30, or for a county with a general population of less than 6,000, a maximum of \$50 per day. The court may not fix an amount that exceeds the offender's ability to pay.

Background: The offenses involved include the following.

Code	Brief Description
IC 35-48-4-1	Dealing in cocaine, narcotics, methamphetamine, and controlled Schedule Class I and II drugs
IC 35-48-4-4.1	Dumping waste from illegal manufacture of controlled substances
IC 35-48-4-6	Possession of cocaine, narcotics, methamphetamine, and controlled Schedule Class I and II drugs
IC 35-48-4-14.5	Possession of the precursors to methamphetamine

The reimbursement would not apply to a person who is in the custody of the Department of Correction, but confined in a county jail. County jail costs statewide are estimated at an average of \$44 per inmate per day, and the state budget for the biennium FY 2004-05 provides for state reimbursement to counties housing state prisoners of \$35 per inmate per day plus medical expenses.

[Note: The average number of days served in a county jail for one of the listed offenses by county is available from Legislative Services Agency.]

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: County jails.

Information Sources: Department of Correction, One-Day Survey of Prison Population, December 16, 2004; Indiana Sheriff's Association.

Fiscal Analyst: Karen Firestone, 317-234-2106.